

REMARKS

Status of the Application

In the office action dated December 23, 2004, Claims 1-14 were pending in the application. In response to the office action, Claims 1, 5 and 7 were amended and claim 6 was canceled. Claims 1-5 and 7-14 are still pending.

Claim 1 was amended to include the allowable subject matter of Claim 6 to obviate the rejection under 35 USC 112. Claim 6 was canceled since it was incorporated into Claim 1. Claim 7 was amended and is now dependent on Claim 1.

Specification

Trademarks were used on pages 9, and 11-15 in the specification and the Examiner stated that the trademarks should be capitalized. It should be pointed out that the first letter of all of the registered trademarks have been capitalized and each has been identified with ® which designates a registered trademark. Also, a brief generic description follows the marks. Applicants suggest that if the identification of the trademarks is not sufficient, the Examiner by Examiner's amendment should make any necessary changes to the specification to more clearly define the trademarks to which Applicants will not object.

Claim Rejection under 35 USC 112

Claims 1 and 7 were rejected under 35 USC 112 as being indefinite. Claim 1 has been amended to show that the component (g), the water content of the composition, also includes the water of component (a) and the second use of the term "fillers" in component (f) was deleted since it is the (c) component of the composition. Claim 7 was amended to delete the term "low levels" which was stated to be vague and indefinite. Claim 7 was also amended to be dependent on Claim 1 since Claim 6 was canceled. Claims 1 and 7 as now amended should obviate the rejection under 35 USC 112.

Double Patenting Rejection

Claims 1-14 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 and 17-24 of co-pending Application No. 10/423,362. Since DuPont is the assignee of both the subject application and the aforementioned co-pending application, a terminal disclaimer is being submitted herewith in which the term of the subject application will not extend beyond the term of the co-pending application. The submission of this terminal disclaimer obviates the double patenting rejection.

Rejection of Claims under 35 USC 103(a)

Claims 1-5 and 8-14 were rejected as being unpatentable over Mayer et al US 6,649,688 B1 in view of Dworak et al. US 6,423,771 B1. In the rejection the Examiner stated the following: "The difference between the prior art and the present invention is that the present invention includes ground polymeric filler in amounts ranging from 1 to 40% by weight and 5-70% filler material". That phrase describes components (c) and (d) of Claim 1. Claims 6 and 7 were indicated as allowable. Claim 6, which depends from Claim 1, further describes component (d) of Claim 1. Claim 1 was amended to include the subject matter of Claim 6 and Claim 6 was canceled. Component (d) of amended Claim 1 now is further defined as "comprising 2 to 30 wt.% polymethyl methacrylate containing filler" which is not disclosed or suggested by either Mayer or Dworak.

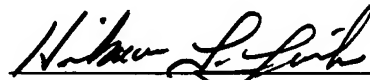
The amendment of Claim 1 to include the subject matter of Claim 6 should obviate the above obviousness rejection and place the claims in allowable form. Claim 7 was amended and is now dependent on claim 1 and further defines Component (d).

SUMMARY

Applicants have (1) amended the claims to obviate the rejection under 35 USC 112; (2) submitted a terminal disclaimer to obviate the double patenting rejection; (3) pointed out the patentable differences between their invention and the cited art and (4) amended the claims to include the allowable subject matter of Claim 6 into Claim 1 and have amended Claim 7 to be properly dependent on Claim 1.

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. In order to expedite disposition of this case, the Examiner is invited to contact Applicants' representative at the telephone number below to resolve any remaining issues. Please charge the fee due for the Terminal Disclaimer and any other fee due which is not accounted for to Deposit Account No. 04-1928 (E.I. du Pont de Nemours and Company).

Respectfully submitted,



Hilmar L. Fricke
Reg. No. 22,384
Attorney for Applicants
Phone: (302) 984-6058
Facsimile: (302) 658-1192

Date: February 2, 2005